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**To:** Examiner Maria Marvich, USPTO**Telephone:****Fax:** 703/746-3971**From:** Ginger R. Dreger**Telephone:** (650) 324-7115**Direct Fax:** (650) 324-0638**No. of Pages:** 4 (including cover)**Date:** July 2, 2003

39753-0021C2 (7041)

**Message:****Re:** U.S. Patent Application No. 09/839,752

Title: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO

Filed: April 19, 2001

Your Reference No.: 50025/003002

Our Reference No.: 39753-0021

Dear Examiner Marvich:

Attached please find the following documents:

1. Copy of Response to Office Action dated February 25, 2003 (mailed on May 23, 2003); and
2. Copy of Revocation of Prior Powers of Attorney and Appointment of New Attorneys of Record.

Should you require further information, please call me at the number above.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dzau et al. Docket No.: 39753-0021  
Serial No.: 09/839,752 Group Art Unit: 1636  
Filing Date: April 19, 2001 Examiner: Marvich, Maria  
For: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO

RESPONSE TO OFFICE ACTION

Mail Stop: Box No-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed on February 25, 2003 in connection with the above-identified patent application, setting a three months term. The present response is accompanied by a Revocation and New Power of Attorney. The Examiner is respectfully requested to direct all future communications to the address indicated below, to the attention of the undersigned attorney.

Claims 13-16 are pending in this application. Claims 13, 14 and 16 have been rejected. Claim 15 has been objected to.

The basis of all rejections is that Applicants unintentionally failed to insert a priority claim under 35 U.S.C. §120 to parent Applications Serial Nos. 08/524,206 filed on September 8, 1995, and 08/144,717 filed on October 29, 1993, into the specification within the time limit provided in 37 C.F.R. §1.78(a)(2). As a result, the filing date of the present application (April 19, 2001) [erroneously referred to as April 19, 2002 in the Office Action] was considered to be

## CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on May 23, 2003, with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop: No-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 23, 2003


*Cheryl Ann Rogers*  
Cheryl Ann Rogers

the earliest priority date, and a series of references published before this date, but after October 29, 1993 were cited against the claims pending.

Concurrently with the present Response, Applicants filed an Amendment and Petition under 37 C.F.R. §1.78(a) to accept unintentionally delayed priority claim under 35 U.S.C. § 120, a copy of which is enclosed for the Examiner's convenience. It is believed that upon grant of the petition and entry the requested amendment, all prior art rejections fall, and the present application will be in *prima facie* condition for allowance. Applicants respectfully solicit an early issuance of a Notice of Allowance.

Respectfully submitted,

Date: May 23, 2003

  
Ginger R. Dreger  
Reg. No. 33,055

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